

SECNAVINST 5370.5B
NAVINGEN
24 November 2004

SECNAV INSTRUCTION 5370.5B

From: Secretary of the Navy
To: All Ships and Stations

Subj: DON HOTLINE PROGRAM

Ref: (a) DOD Directive 7050.1, 4 Jan 99
(b) DOD Instruction 7050.7, 14 Dec 98
(c) DOD Instruction 7050.8, 14 Dec 98
(d) NAVINGEN Investigations Guide
(e) NAVINGEN Investigations Manual
(f) U.S. Navy Regulations, 1990
(g) SECNAVINST 5430.92A
(h) SECNAVINST 5370.7B
(i) 10 U.S.C. § 1034 (2003)
(j) DOD Directive 7050.6, June 23, 2000
(k) 18 U.S.C. § 1001 (2003)
(l) Title 18, Chapter 47, United States Code
(Uniform Code of Military Justice)
(m) NAVINGEN Official Website (www.IG.navy.mil)
(n) SECNAVINST 5212.5D
(o) 5 U.S.C. § 552
(p) 5 U.S.C. § 552a
(q) SECNAVINST 5215.1D

Encl: (1) Navy Commands and activities/special IG
responsibilities
(2) IG Hotline Staffing Requirements

1. Purpose

a. To implement the provisions of references (a), (b) and (c) within the Department of the Navy (DON) and clarify responsibilities for the operation of the Department of Defense (DOD) and DON Hotline Programs.

b. To organize the DON Hotline Program and to reaffirm the Department's commitment to investigating Hotline complaints in a professional and timely manner. This instruction requires each Navy Command listed in enclosure (1) to have a dedicated, full-time Inspector General (IG). In addition, it establishes

SECNAVINST 5370.5B
24 November 2004

specific staffing, training, investigative, and quality assurance procedures for all offices performing IG functions throughout DON. This is a complete revision and should be read in its entirety.

2. Cancellation. SECNAVINST 5370.5A.

3. Definitions

a. Inquiry: Any form of examination into a matter that is part of a fact-finding process in response to a DOD or DON Hotline call or Hotline referral. This includes any audit, investigation, inspection, examination, area visit, survey, or other type of review resulting from a Hotline call or Hotline referral. See reference (c).

b. Investigation: Any form of examination into specific allegations of wrongdoing. See references (d) and (e).

c. Hotline: The purpose of the DOD and DON Hotlines is to receive allegations of fraud, waste, and mismanagement when the chain of command has been unresponsive, or the complainant fears reprisal resulting from the submission of his or her allegations. Mechanisms can include manned or unmanned local and toll free telephone numbers, IG website Hotline submission forms, or fax numbers.

d. IG Network: A communication mechanism and technical chain of command comprised of all DON personnel who perform an IG function as part of their regular or recurring duties at any level. Naval Audit Service (NAVAUDSVC) and Naval Criminal Investigative Service (NCIS) personnel conducting inquiries in support of a DOD or DON Hotline inquiry are members of the IG Network for the limited purpose and duration of that inquiry. In addition to NAVAUDSVC and NCIS personnel supporting a specific inquiry, the IG Network also includes any other DON personnel who are tasked to support an inquiry on a one-time basis. These other DON personnel are part of the IG Network only during the course of that specific inquiry.

4. Background. The DOD and DON Hotline programs are designed to strengthen and focus efforts to combat fraud, waste, and

mismanagement throughout the DOD and DON by providing an alternative to the normal chain of command. With recent Navy realignments including the establishment of Commander, Navy Installations and the resulting transfer in functions, a restructuring of the DON's IG organization is needed and appropriate. Along with restructuring, this instruction mandates changes ranging from the assignment of investigators to new procedures for reviewing investigations reports, as well as new training requirements. All of these changes have been designed to produce a more timely, accurate, and impartial Hotline investigation. The IG process is of fundamental importance in combating fraud, waste, and mismanagement as it gives voice to all members of the Navy team and assures them that their concerns will be heard, considered, and addressed by the DON's leadership. This is a significant strength in our system.

5. Responsibilities. The provisions of this instruction apply throughout DON unless specifically exempted by statute.

6. Policy

a. The DON shall demand and enforce the highest ethical standards from its members, fairly and efficiently manage its resources and people, and exercise a fiduciary responsibility over taxpayers' dollars. It is DON policy to encourage the identification of problems in these areas and to swiftly correct them. The Hotline Program is designed to eliminate fraud, waste, and mismanagement by identifying problems and potential solutions.

b. References (f), (g) and (h) require military and civilian personnel to report suspected wrongdoing to their chain of command. This is the preferred mechanism because it reinforces the primacy of the chain of command and allows problems to be addressed at the lowest level. The DOD and DON Hotline Programs provide an alternative to the chain of command when a complainant reasonably fears reprisal or believes the chain of command has been unresponsive. This provides an unbiased, impartial approach to address these issues and ensures that they are properly evaluated, investigated, and, when necessary, corrected by responsible authorities.

c. IG personnel will respond to substantive allegations of fraud, waste, and mismanagement in a timely and impartial manner, pursue corrective measures in accordance with applicable laws, regulations, directives, and instructions, and report the result of such investigations to the appropriate authorities. Unless specifically authorized by the complainant, IG personnel will protect the confidentiality of the complainant within the IG Network at all stages of the Hotline process except when the identification of the complainant is required by law or judicial order. Commanders, commanding officers and supervisors responsible for enforcing accountability within their respective activity shall have access to IG reports and supporting documentation when the investigation is complete.

7. Responsibilities

a. The Under Secretary of the Navy (UNSECNAV) is responsible for implementing the DOD and DON Hotline Programs throughout DON. As the senior advisor to the Secretary of Navy (SECNAV) on investigations, the Naval Inspector General (NAVINSGEN) will lead efforts in executing these responsibilities within DON and is hereby designated the DON Defense Hotline Coordinator required by references (a) and (b). Except for tasks specifically assigned to NAVINSGEN by SECNAV or the Commandant of the Marine Corps, the Deputy Naval Inspector General for Marine Corps Matters (DNIGMC) shall function as the DON Defense Hotline coordinator for Hotlines involving the Marine Corps (MC). A Marine Corps Order will promulgate specific implementation of this instruction within the Marine Corps.

b. All Echelon II commands shall ensure prompt, responsible, and impartial processing of Hotline allegations tasked by NAVINSGEN. Additionally, each command listed in enclosure (1) shall establish its own Hotline for the direct receipt of complaints at its level. Echelon II Commands, not listed in enclosure (1), may establish a Hotline and may authorize subordinate commands to establish Hotlines. All Hotlines established pursuant to this paragraph shall be considered part of the IG Network, shall be subject to oversight, monitoring and review by NAVINSGEN, and shall adhere to the requirements of references (a), (b), (c), and this instruction.

c. The SECNAV authorizes NAVINSGEN and DNIGMC to task any DON command or activity with conducting an inquiry or providing assistance during an inquiry. Commands or activities shall treat any tasking from NAVINSGEN or DNIGMC as a tasking from the SECNAV.

d. The DON Hotline Program, mandated by reference (a), requires all Navy and Marine Corps activities to support the availability of the Hotline. All Navy and Marine Corps commands must make every effort to maximize the talents of all of their members, spend every dollar wisely, correct systemic problems, and take appropriate corrective or disciplinary measures against those who abuse the system. The Hotline is a valuable asset in reaching this goal. All DON activities shall assist NAVINSGEN and DNIGMC in inquiring into issues raised in the Hotline process and shall take corrective measures whenever appropriate.

e. Sharing assets throughout DON is essential in resolving Hotline complaints. DON IGs may request assistance from other DON activities when necessary to resolve Hotline issues. NAVINSGEN, NCIS and NAVAUDSVC will provide assistance, as necessary, for the timely and professional resolution of Hotline cases.

f. All DON IGs are authorized to receive Military Whistleblower Protection Act (MWPA) complaints for the purpose of tolling the time requirement contained in references (i) and (j). IGs receiving a MWPA complaint shall immediately notify DOD IG and provide NAVINSGEN with a copy of the complaint. NAVINSGEN shall conduct all necessary inquiries or, at its discretion, assign the complaint to an appropriate IG.

g. The purpose of the Hotline Program is to identify and eliminate fraud, waste, and inefficiencies in the operation of the Navy. To be effective, the program requires all personnel to be vigilant against the possibility of illegal or improper acts, and to report to the chain of command, or an IG, any improprieties in this regard. Reporting of illegal activity is required by references (f) and (g). These reports shall be based on the complainant's "good faith" belief that the information is true. The use of the Hotline program to file knowingly false complaints is a violation of references (k) and (l). Those suspected of willfully and knowingly filing false complaints are subject to prosecution and/or administrative action.

8. Action

a. Each command or activity listed in enclosure (1) shall appoint, with the concurrence of NAVINSGEN, a full-time, dedicated IG. Each such IG must be clearly identified by the title "Inspector General" on organizational charts and elsewhere. Those IGs assigned to Echelon II commands listed in enclosure (1) shall be either a commissioned officer in the pay grade of O-6 or higher, or, if a civilian, in the pay grade GS-15 or higher. IGs assigned to Echelon III commands listed in enclosure (1) shall be commissioned officers in the pay grade of O-5 or higher, or, if a civilian, in the pay grade GS-13 or higher. NAVINSGEN may waive grade requirements for those serving in affected IG positions on the effective date of this Instruction. Regardless of rank, within their command or activity the IG shall report directly to the Commander. Reporting to the Deputy Commander at those commands wherein all Department Heads and Special Assistants report to the Deputy Commander is authorized. Assignment to other duties shall be on an exception basis. The Force/Staff Judge Advocate or Command Counsel may not serve as the IG at any level of command, as this creates an inherent conflict of interest.

b. Certified DON IG Investigators shall, to the maximum extent possible, conduct all investigations performed under the auspices of a DON IG office. All personnel assigned to a DON IG office who have investigative duties, which includes reviewing investigations, shall be certified as a DON Investigator. Initial certification may be issued by NAVINSGEN upon successful completion of the NAVINSGEN Investigation School, or by the IG of an Echelon II command listed in enclosure (1) if that IG is satisfied that the individual possesses qualifications equivalent or superior to those gained by successful completion of the NAVINSGEN Investigation School. Unless otherwise certified, all investigators and reviewers must complete the NAVINSGEN Investigation School within six months of assignment to a DON IG office. Additionally, investigators must complete annual training requirements established by NAVINSGEN. This training is mandatory for an investigator to maintain their certification. NAVINSGEN will maintain and update the annual certification requirements and may post information concerning these requirements on its websites. NAVINSGEN may also determine the extent to which such information shall be

available to people who are not a part of the IG Network. NAVINSGEN will monitor the certifications issued by Echelon II IGs, and a record of such certification shall be sent by the Echelon II IG to NAVINSGEN.

c. All Echelon II commands and activities listed in enclosure (1) shall have at a minimum one GS-18xx series investigator. Enclosure (2) is a suggested Hotline staffing plan to assist in determining the appropriate number of investigators each command should employ. It is based on the number of Hotline complaints an activity receives annually. If NAVINSGEN determines the level of staffing at a command or activity listed in enclosure (1) is insufficient, it shall recommend that the UNSECNAV direct the command or activity to increase the staffing level. Staffing should be sufficient to complete investigations within 90 days of receipt of the complaint as required by DOD standards contained in reference (a). These requirements do not preclude other DON personnel assigned to a DON IG from conducting Hotline Investigations, provided they meet the certification and training requirements of this instruction.

d. Navy Echelon II and III commands not listed in enclosure (1) shall have an IG function but are not required to have a full-time IG. Personnel in these commands that conduct Hotline investigations shall be certified and are required to maintain their certification by complying with the annual training requirements set forth in this instruction.

e. Echelon II commands shall ensure that subordinate activities are capable of conducting a professional investigation before tasking them with a Hotline investigation. Assignment of a non-certified employee or member as a Hotline investigator, for a single case, must be approved by NAVINSGEN or an Echelon II IG listed in enclosure (1). Approval is discretionary. The IG must be satisfied that the intended investigator, by demeanor, experience and position, is capable of conducting a professional investigation and producing a report that satisfies the standards of timeliness, independence, completeness and accountability.

f. NAVINSGEN shall establish a web-based Case Management Information System to manage all DON IG organizations' Hotline investigative files. When established, all DON IG Hotline

24 November 2004

investigations, except those that fall under the cognizance of DNIGMC, shall be entered into the NAVINSGEN Case Management Information System. Prior to the implementation of this web-based system, commands and activities shall maintain an electronic database to manage investigative files. NAVINSGEN will issue specific requirements on its website, reference (m).

g. The Office of Special Counsel (OSC) normally investigates Whistleblower complaints filed by civilian employees. If a civilian complainant rejects an investigative role by OSC, a DON investigator may be assigned consistent with the procedures described in reference (h).

h. DON IGs will, to the maximum extent permitted under law and regulation, safeguard the identity of complainants. DON IGs shall explain to complainants that the use of their testimony and the release of their identity as witnesses, but not as complainants, may be necessary under due process procedures associated with disciplinary or administrative action. The nature of some complaints and relief requested may necessitate the identification of the complainant during the course of the investigation as, for example, a military whistleblower reprisal investigation or similar complaint requesting personal relief.

i. DON IGs will, to the maximum extent permitted under law and regulation, safeguard the identity of witnesses and assist them, as appropriate, if it is determined by the IG that they are victims of reprisal. DON IGs shall explain to witnesses that it may be necessary under due process procedures associated with disciplinary or administrative action to release their identity. Such identifications will be made only to those with an official need to know the identity of the witness.

9. Procedures

a. NAVINSGEN shall publish DON Hotline Complaint Submission procedures, which it may place on its Official Website. NAVINSGEN is authorized to add, delete, or modify these procedures, as necessary. These procedures are binding on all DON activities. All personnel conducting Hotline investigations shall refer to references (d), (e), and (m) for guidance. NAVINSGEN or DNIGMC, at their discretion, may waive any administrative or procedural requirement of this instruction.

b. NAVINSGEN and DNIGMC will act as the DON liaison with DOD IG on all Hotline issues. DON activities shall make all inquiries concerning DOD IG-referred Hotline investigations through NAVINSGEN or DNIGMC, and will keep NAVINSGEN/DNIGMC informed of any contact from DOD IG.

c. NAVINSGEN will normally task all DOD Hotline complaints to Echelon II IGs. Those IGs are authorized to task the investigative responsibility to subordinate commands unless it is a Military Wistleblower Protection Act (MWPA) reprisal complaint. Specific guidance and responsibilities pertaining to MWPA cases are set forth in reference (h). All commands tasked by NAVINSGEN with conducting an investigation shall forward the completed investigation report to NAVINSGEN for review. The review of the investigation will address four standards: independence, timeliness, completeness, and accountability.

d. Echelon II commands are responsible for the quality of IG reports forwarded to NAVINSGEN. Although not required in every Hotline case, a legal review of the investigation by an attorney in the Echelon II Staff Judge Advocate or Command Counsel's office is expected in all cases of a significant nature, e.g., cases resulting in disciplinary action, detachments for cause, substantial monetary loss or property damage, and that legal review memorandum will be included in the material forwarded to NAVINSGEN. In significant cases, Echelon II IGs are authorized to forward to NAVINSGEN investigations that are complete except for accountability. The legal review should be included with any report so forwarded. This will enable NAVINSGEN to evaluate the investigation for timeliness, independence, and completeness prior to the commander or other decision-maker addressing the issue of accountability. In such reviews, NAVINSGEN shall return the investigation within 10 days of receipt, indicating its approval or identifying the investigation's deficiencies. After the appropriate commander or decision-maker has addressed accountability, the final report shall be returned to NAVINSGEN for closeout. NAVINSGEN will not close a substantiated case until corrective action has been reported. NAVINSGEN shall forward closed DOD-referred Hotline cases to the DOD IG.

e. All investigations of Commanding Officers in the pay grade of O-6 shall have a legal review and an endorsement by a Flag Officer in the Commanding Officer's chain of command. Both

SECNAVINST 5370.5B

24 November 2004

the legal review memorandum and the Flag endorsement shall be forwarded to NAVINSGEN with the report of investigation.

f. NAVINSGEN and DNIGMC shall conduct periodic Quality Assurance Reviews of the Hotline programs throughout the Navy and Marine Corps, respectively. NAVINSGEN shall issue implementing instructions that specify quality standards for the DON and Command Hotline Programs; procedures to ensure appropriate evaluation and action on all allegations of fraud, waste and mismanagement; and methods to ensure appropriate protection of the identity of sources requesting anonymity or confidentiality.

g. NCIS is the largest investigative organization within DON. It has professional investigators stationed around the world and on deployed units. All NCIS special agents are certified investigators in the context of this instruction. DON IG organizations are authorized to request NCIS assistance in conducting Hotline investigations. NCIS shall honor all requests for investigative assistance that it determines to be reasonable and necessary.

h. NAVAUDSVC is staffed with trained, professional auditors and is responsible for performing internal audits. These audits evaluate the integrity and reliability of financial and other information used to make management decisions. DON IGs are authorized to request assistance from NAVUDSVC when the nature of the investigation requires the expertise of auditors. Requests to NAVAUDSVC for investigative assistance shall be reasonable and necessary. NAVAUDSVC shall provide assistance in such cases.

i. All working papers associated with a Hotline investigation shall be kept in accordance with the NAVINSGEN Records Retention Policy, as set forth in reference (n).

j. IG reports and associated papers shall be maintained in a secure environment and made available only to those with an official need to know. Release of IG-generated material to those without an official need to know will be in accordance with references (o) and (p), or other applicable Federal law.

The cognizant release authority for IG generated material is NAVINSGEN, DNIGMC or the commander of the activity that generated the material.

10. Reports and Forms. Commands are required to provide the widest dissemination of the Hotline program within their area of responsibility. To assist in this effort, NAVINSGEN will make a recommended Hotline Poster available for command use. Commands shall post local IG Hotline phone numbers and points of contact in addition to the Navy Hotline number, 1-800-522-3451.

11. Authority. References (f) and (g) authorize the Naval Inspector General to issue this Instruction and publish changes to it.

//s//
R. A. ROUTE
Vice Admiral, U.S. Navy
Naval Inspector General

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NAVY COMMANDS AND ACTIVITIES/SPECIAL IG RESPONSIBILITIES

FLEET Echelon II

COMFLTFORCOM - Commander, Fleet Forces Command
COMLANTFLT - Commander, U. S. Atlantic Fleet
COMPACFLT - Commander, U. S. Pacific Fleet
COMUSNAVEUR - Commander, U. S. Naval Forces Europe
COMNAVRESFOR - Commander, Naval Reserve Force
COMSC - Commander, Military Sealift Command
COMUSNAVCENT - Commander, U. S. Naval Forces Central Command
COMNAVSPECWARCOM - Commander, Naval Special Warfare Command

SHORE Echelon II

COMNAVAIRSYSCOM - Commander, Naval Air Systems Command
COMNAVSEASYSYSCOM - Commander, Naval Sea Systems Command
CHNAVPERS - Chief of Naval Personnel
BUMED - Chief, Bureau of Medicine and Surgery
NETC - Commander, Naval Education and Training Command
DIRSSP - Director, Strategic Systems Programs
COMSPAWARSYSCOM - Commander, Space and Naval Warfare Systems Command
COMNAVSUPSYSCOM - Commander, Naval Supply Systems Command
COMNAVFACENGCOM - Commander, Naval Facilities Engineering Command
COMNAVSECGRU - Commander, Naval Security Group Command
ONI - Commander, Office of Naval Intelligence
CNI - Commander, Navy Installations

SHORE Echelon III

All Echelon III CNI Commands
COMNAVCRUITCOM - Commander, Navy Recruiting Command

SECNAVINST 5370.5B
24 November 2004

IG HOTLINE STAFFING REQUIREMENTS

Recommended Hotline Staffing Criteria based upon volume of cases opened monthly.

0-10	open monthly	FTE of 1 investigator
11-20	open monthly	FTE of 2 investigators
21-30	open monthly	FTE of 3 investigators
31-40	open monthly	FTE of 4 investigators
41-50	open monthly	FTE of 5 investigators
51-60	open monthly	FTE of 6 investigators
61-70	open monthly	FTE of 7 investigators
71-80	open monthly	FTE of 8 investigators
81-90	open monthly	FTE of 9 investigators
91-100	open monthly	FTE of 10 investigators

Enclosure (2)